IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 934 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/03/2004 in WP NO : 25634 OF 2003 on the file of the High Court.)

Between:

V.P.Rama Rao, s/o late Appa Rao,
r/o Maharajpet, Bobbili, Vizianagaram District.

..... APPELLANT

AND

1 The District Co-operative officer/Registrar, Vizianagaram.
2 The Bobbili Co-operative Urban Bank Ltd., rep., by its President, Bobbili-535558, Vizianagaram.
3 C.Suryanarayana, Inquiry Officer/Advocate,
Bobbili, Vizianagaram.

.....RESPONDENTS

Counsel for the Appellant: MS.I.MAAMU VANI

For the Respondents 1 & 2: G.P. for Co-operation.

For the Respondent No.3: SMT.M.BHASKARA LAKSHMI

The Court Made the Following :

ORAL JUDGMENT: (per GB. J.)

The Writ Appeal is filed challenging the order passed by the learned single Judge in Writ Petition No.25634 of 2003, dated 10.3.2004.

2. The appellant-petitioner was working as C.E.O.-cum-Secretary of Bobbili Co-operative Urban Bank Limited-2nd respondent. While so, he was placed under suspension by an order dated 1.7.2003. The said order came to be challenged by the appellant in the Writ Petition referred to above. The learned single Judge, after considering the matter, held that the Writ Petition itself is not maintainable in view of the Full Bench decision of this Court in SRI KONASEEMA COOPERATIVE CENTRAL BANK LTD., AMALAPURAM ANOTHER vs. N.SEETHARAMA RAJU[1] and dismissed the Writ Petition leaving it open to the petitioner to pursue his remedies before an appropriate forum including a jurisdictional civil Court. Against the said order, the present Writ Appeal has been filed.

3. The learned counsel for the appellant submits that when the order passed by the Bank itself is wholly illegal and without jurisdiction, it is open for this Court to interfere with the same under Article 226 of the Constitution of India.

4. We are afraid we cannot accept the contention of the learned counsel for the appellant. When the Writ itself is not maintainable,

the question of jurisdiction cannot be gone into since the matter was already settled by a Full Bench decision of this Court in Sri Konaseema Cooperative Bank Limited case (supra 1). In view of the above, we do not find any ground to interfere with the order of the learned single Judge and we find no merits in this Writ Appeal.

5. Accordingly the Writ Appeal is dismissed. No costs.

(G.BIKSHAPATHY, J.)

25th June, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

Copies to

1 The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).

2 The District Co-operative officer/Registrar, Vizianagaram.

3 The Bobbili Co-operative Urban Bank Ltd., rep., by its President,Bobbili-535558,Vizianagaram.

4 2 CCs to Government Pleader for Co-operation, High Court Buildings, Hyderabad (O.U.T.)

5 2 CD Copies.

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[1]AIR 1990 A.P. 171.